Easton, Pa Wednesday February 13, 2013 6:00 p.m.

City Council met in stated session at the above date and time, in Council Chambers, One S. Third Street to consider any business that may lawfully be brought before the body, and to conduct a Public Hearing regarding re-programming of 2012 CDBG Funds.

The invocation was given by Mayor Panto followed by the Pledge of Allegiance.

ROLL CALL

Present:

Brown, Fleck, Ruggles, Vulcano, Warner, Warren, Panto (7)

Absent:

None (0)

Also in attendance were Thomas A. Hess, City Clerk, William Murphy, City Solicitor, Beth Knickerbocker, Assistant City Solicitor and Glenn Steckman, City Administrator. There were eighteen other persons present.

APPROVAL OF AGENDA

On motion of Mr. Brown and Dr. Warner, the Agenda was amended by adding a Resolution which would approved a settlement for a Federal lawsuit, under New Business, by the following vote:

Yeas: Brown, Fleck, Ruggles, Vulcano, Warner, Warren, Panto (7)

Nays: None (0)

On motion of Dr. Ruggles and Mr. Warren the amended Agenda was approved by the following vote:

Yeas: Panto, Warren, Warner, Vulcano, Ruggles, Fleck, Brown (7)

Nays: None (0)

ACTION ON MINUTES

On motion of Dr. Warner and Dr. Ruggles the January 23, 2013 Council Meeting minutes were approved as submitted by the following vote:

Yeas: Brown, Fleck, Ruggles, Vulcano, Warner, Warren, Panto (7)

Nays: None (0)

RESOLUTION

The next item on the Agenda was a proposed Resolution recognizing the death of Willard Stem, a former Fire Fighter.

The following Resolution was introduced by Mr. Warren:

26-2013

The above Resolution was adopted on motion of Mr. Warren and Mrs. Vulcano by the following vote:

Yeas: Brown, Fleck, Ruggles, Vulcano, Warner, Warren, Panto (7)

Nays: None (0)

Mayor Panto and Mrs. Vulcano offered words regarding Mr. Stem's service and dedication to the City its employees and its citizens.

Mr. Stem's son was presented with a framed Resolution.

PRESENTATIONS

At this time Yevette Hendler, presented the City with a framed photograph that she had taken of Centre Square.

Mayor Panto thanked Ms. Hendler.

Mayor Panto presented plaques to Paul Sklodowski, owner of Anvil Craft for donating the entire iron angle for the reconditioning of the Peace Candle and to the Iron Workers Local 36 for their assistance in the erection the Peace Candle.

PUBLIC ANNOUNCMENT

At this time David Hopkins, Director of Public Works read a statement regarding the City of Easton's implementation of the Municipal Separate Storm Sewer System (MS4) as part of the Federal Phase II Stormwater Management Program. (see attachment).

PUBLIC HEARING

At 6:15 p.m., Mayor Panto opened the Public Hearing, regarding the re-programming of 2012 CDBG funds, and turned the hearing over to Mrs. Vulcano, Chairman of the Economic Development Committee.

Mrs. Vulcano read the following:

"The purpose of this evening's hearing is to obtain public comment on the modification to the 2012 Action Plan for the City of Easton.

The City of Easton proposes to amend the 2012 Community Development Block Grant program to reprogram certain public works related activities to meet the timeliness requirements of HUD for expending CDBG funds. A portion (\$18,430) of the funds from the street tree activity will be used instead for park improvements at Condran Park in South Side.

The amendment process requires notification to the public, consistent with the Citizen Participation Plan. A legal ad explaining this amendment was published in the Express-Times on January 25, 2013, and available on the City of Easton's website.

The final vote on this amendment will be made at the City Council meeting on February 27, 2013.

Mrs. Vulcano then asked for any questions from Council.

There were no comments or questions from Council.

Mrs. Vulcano then asked for any questions from the audience.

There were no comments or questions from the audience.

Mrs. Vulcano said that she was pleased to see that these funds were earmarked to better a park in the City.

Mrs. Vulcano closed the meeting at 6:20 p.m.

PRESENTATION ADMINISTRATION'S RECOMMENDATION TO RELOCATE CITY HALL

Mayor Panto read a memorandum, (see attachment), and spoke regarding the Administration's recommendation to re-locate City Hall to the proposed Easton Intermodal Transportation Center on South Third Street.

Council members made comments and asked questions regarding the layout of the proposed building and parking garage, financing needed for the project, City Hall's location in the building and timeline for needed legislation for this project.

Dr. Ruggles and Dr. Warner requested a detailed financial perspective for this project.

Council members' questions were answered by Mayor Panto, Mr. Steckman, Mr. Heagele, and Ms. Longenbach

There were no comments or questions from the audience.

CITIZENS RIGHT TO BE HEARD - (Agenda Items Only)

There were no remarks from the audience

REPORTS RECEIVED BY COUNCIL

The following reports were received by Council:

- (a) The monthly Fire Department Report for January 2012.
- (b) ESWA meeting minutes for September, October and November 2012.

Mayor Panto accepted the above report on behalf of Council.

REPORTS OF COMMITTEES

Mr. Brown, Chairman of the Finance Committee reported that a Finance Committee meeting had been held on February 12, 2013. He spoke regarding legislation that he would have for later in the meeting regarding amending the Fee schedule, for amending the title of the City Treasurer to the Director of Finance in Sections 535-74 and 535-75 in the City Codes, for amending the 2013 Recreation Fund Budget, and for approving a settlement in a Federal Lawsuit.

Mrs. Vulcano, Chairman of the Economic Development Committee spoke regarding legislation that she would have for later in the meeting regarding waiving requirements for the Redevelopment Authority's Silk Mill project.

Dr. Ruggles, Chairman of the Planning Committee, reported that a Planning Committee had been held on February 12, 2013, and that the proposed Scaffolding Ordinance had been discussed.

Mr. Warren, Chairman of the Public Safety Committee spoke regarding legislation that he would have for later in the meeting regarding the lowering of fines for overtime parking if they are paid within 24 hours or before 4:00 p.m. on the next business day, and for authorizing the destruction of Police Records. He said that the Senate had passed legislation regarding Human Trafficking which pleased him.

Dr. Warner, Chairman of the Public Works Committee spoke regarding legislation that she would have for later in the meeting for authorizing the application for a Northampton County Open Space Initiative Grant.

Mr. Fleck, Chairman of the Administration Committee spoke regarding legislation that he would have for later in the meeting for amending Sections in the Personnel Section in the City Codes, for leasing of office space in City Hall, for approving Non-Union and Management Full Time Employees benefits and for approving an Agreement of Sale for the property at 37-43 N. 4th Street. He said that at the next Council meeting the Rules of Order and Business for the Public Meetings of City Council would be discussed.

Mr. Steckman gave Mr. Fleck an amendment to Bill 12 that would be introduced later in the meeting.

Mr. Murphy, City Solicitor reported that last evening Council met in Executive Session and had discussed a Lease Agreement, personnel issues and litigation.

Mayor Panto reported that the City had met with Mr. Kindred regarding the sale of 37-43 N. 4th Street, to the City for \$125,000 and that the Agreement would be before Council later in the meeting for vote.

UNFINISHED BUSINESS

Bill No. 3, Authorizing the Mayor of the City of Easton to select and appropriate certain plots of ground with improvements thereon for public purposes for improvements and construction for a public parking facility, was introduced on January 9, 2013 and tabled on January 23, 2013 until February 13, 2013, was brought back before Council on motion of Mayor Panto and Dr. Warner by the following vote:

Yeas: Panto, Warren, Warner, Vulcano, Ruggles, Fleck, Brown (7)

Nays: None (0)

On motion of Mayor Panto and Dr. Warner, Bill No. 3, was withdrawn, by the following vote:

Yeas: Brown, Fleck, Ruggles, Vulcano, Warner, Warren, Panto (7)

Nays: None (0)

Bill No. 6, (Ordinance 5391) Amending subsections in Section 285-42, Parking Garage fees of Section 285-5 Construction, Chapter 245, of Chapter 285 Fees of the Code of the City of Easton, Pa., was adopted on motion of Mr. Brown and Dr. Warner by the following vote:

Yeas: Fleck, Ruggles, Vulcano, Warner, Warren, Panto, Brown (7)

Nays: None (0)

Ordinance 5391 amends numerous fees contained in the Fee Schedule in the City Codes.

Bill No. 7, (Ordinance 5392), Amending Sub-Section 560-69 A (2) (d) of Section 560-69, Violations and penalties of Chapter 560, Vehicles and Traffic of the Code of the City of Easton, Pa., was adopted on motion of Mr. Warren and Dr. Warner by the following vote:

Yeas: Ruggles, Vulcano, Warner, Warren, Panto, Brown, Fleck (7)

Nays: None (0)

Ordinance 5392 amends Sub-Section 560-69 A (2) (d) by lowering the fine for overtime parking to \$15.00 if paid within 24 hours of the violation or by 4:00 p.m. on the next business day.

Bill No. 8, (Ordinance 5993), Amending Sections 535-74 and Section 535-75, of Chapter 535 Taxation of the Code of the City of Easton, Pa., was adopted on motion of Mr. Brown and Mr. Warren by the following vote:

Yeas: Vulcano, Warner, Warren, Panto, Brown, Fleck, Ruggles (7)

Nays: None (0)

This Bill amends the title of City Treasurer to Finance Director.

CORRESPONDENCE

The following correspondence was received by Council.

- (a) Philadelphia Metro Task Force, letter regarding funds attached to Sexual Orientation Wrongly Appropriated.
- (b) JoAnn Edwards, State Human Relations Commission, response letter to the Philadelphia Metro Task Force letter.

NEW BUSINESS

Bill No. 9, Regulating the use of Scaffolding within the Right-of-Way of the City of Easton to promote the Public Safety Health and Welfare of the City of Easton, was introduced by Dr. Ruggles and ordered processed for adoption.

This Bill would establish a Scaffolding Ordinance in the City.

A February 6, 2013 memorandum regarding City Council Agenda Items was received from Director Hopkins.

Bill No. 10, Amending Section 560-54, Parking restrictions for street cleaning of the Code of the City of Easton, Pa., was introduced by Dr. Warner and ordered processed for adoption.

This Bill would amend parking restrictions for street cleaning throughout the City.

A February 8, 2013 memorandum regarding proposed 2013 Budget Amendments to the Recreation Fund was received from Director Heagele.

Bill No. 11, Amending the 2013 Recreation Fund Budget was introduced by Mr. Brown and ordered processed for adoption.

This Bill would amend the 2013 Recreation Fund Budget by increasing Revenue and Expenditures by \$36,961.65.

Bill No. 12, Amending Sections in Chapter 114, Personnel, of the Code of the City of Easton, Pa. was introduced by Mr. Fleck and ordered processed for adoption.

This Bill amends numerous sections contained in Chapter 114 of the Codes of the City.

Bill No. 13, Approving an Office Space Lease Agreement was introduced by Mr. Fleck and ordered processed for adoption.

This Bill would approve an Office Space Lease Agreement with Matthew Cartwright for leasing of 530 square fee of office space located on the Ninth Floor of City Hall.

Bill No. 14, Approving a Master Lease Agreement between the City of Easton, Pa., and the Easton Parking Authority was introduced by Mrs. Vulcano and ordered processed for adoption.

This Bill would approve a Master Lease Agreement with the Parking Authority for property located at 181 South Third Street.

A January 9, 2013 memorandum, regarding Police records destruction was received from Lt. Matt Lohenitz.

The next items on the Agenda was a proposed Resolution which would approve the destruction of approximately 350 cubic feet of Police records.

The following Resolution was introduced by Mr. Warren:

27-2013

The above Resolutions were adopted on motion of Mr. Warren and Dr. Warner by the following vote:

Yeas: Fleck, Ruggles, Vulcano, Warner, Warren, Panto, Brown (7)

Nays: None (0)

A January 8, 2013 letter to Attorney Murphy from Attorney Cohen regarding the waiving of performance and maintenance guarantees for the Redevelopment Authority's silk mill project for the authority was received from Attorney Murphy.

The next item on the Agenda was a proposed Resolution which would approve the waiving of performance and maintenance guarantees for the infrastructure phase of the Redevelopment Authority of Easton's Silk Mill Project.

The following Resolution was introduced by Mrs. Vulcano:

28-2013

The above Resolution was adopted on motion of Mrs. Vulcano and Dr. Ruggles by the following vote:

Yeas: Ruggles, Vulcano, Warner, Warren, Panto, Brown, Fleck (7)

Nays: None (0)

The next item on the Agenda was a proposed Resolution that would approves the filing of an application for funds under the Park Acquisition and Development Program.

The following Resolution was introduced by Dr. Warner:

29-2013

The above Resolution was adopted on motion of Dr. Warner and Mr. Brown by the following vote:

Yeas: Vulcano, Warner, Warren, Panto, Brown, Fleck, Ruggles (7)

Nays: None (0)

The next item on the Agenda was a proposed Resolution which would approve the Non-Union and Management Full Time Employees Benefits.

The following Resolution was introduced by Mr. Fleck:

30-2013

The above Resolution was adopted on motion of Mr. Fleck and Mr. Warren by the following vote:

Yeas: Warner, Warren, Panto, Brown, Fleck, Ruggles, Vulcano (7)

Nays: None (0)

The next item on the Agenda was a proposed Resolution which would approve an Agreement of Sale between the City and G. Scott Kindred for property at 37-43 N. 4th Street.

The following Resolution was introduced by Mr. Fleck:

31-2013

Mr. Warren said that he was pleased that a mutual agreement could be reached with Mr. Kindred and that this did not have to go to eminent domain action.

The above Resolution was adopted on motion of Mr.; Fleck and Dr. Ruggles by the following vote:

Yeas: Warren, Panto, Brown, Fleck, Ruggles, Vulcano, Warner (7)

Nays: None (0)

The next item on the Agenda was a proposed Resolution which would authorize a settlement payment in the amount of \$80,000 in a Federal lawsuit under Katie Pruden and Jackie Lovering vs. the City of Easton.

The following Resolution was introduced by Mr. Brown:

32-2013

The above Resolution was adopted on motion of Mr. Brown and Dr. Warner by the following vote:

Yeas: Panto, Brown, Fleck, Ruggles, Vulcano, Warner, Warren (7)

Nays: None (0)

CITIZENS RIGHT TO BE HEARD

There were no remarks from the audience.

ADJOURNMENT

With no further business, the meeting was adjourned at 7:25 p. m. on the motion of Dr. Warner and Mr. Fleck by the following vote:

Yeas: Panto, Warren, Warner, Vulcano, Ruggles, Fleck, Brown (7)

Nays: None (0)

Thomas A. Hess, City Clerk

The purpose of this announcement is to help foster public awareness regarding the City of Easton's implementation of the Municipal Separate Storm Sewer System (MS4) as part of the Federal Phase II Stormwater Management Program.

The revised federal stormwater management regulations require the City of Easton and others in "urbanized areas" across Pennsylvania to apply for and maintain a National Pollutant Discharge Elimination System (NPDES) permit to discharge stormwater from the City's Municipal Separate Storm Sewer System (MS4).

To assist Pennsylvania municipalities, the Department of Environmental Protection (DEP) has issued a General Permit for MS4s. The General Permit is a statewide permit with uniform conditions pertinent to every MS4 that applies and receives approval for coverage. Applying for this permit constitutes indication to DEP that the City intends to implement a program of stormwater management.

The regulations require MS4s to develop and implement a stormwater management program in their jurisdictions within their permit terms.

The DEP has prepared a guidance document entitled "The Stormwater Management Protocol" which can be used by municipalities to meet their permit requirements. The City of Easton adopted this protocol on March 24, 2004 as its official stormwater management plan. The Protocol contains DEP's recommended and approved approach to each component of the program.

The federal regulations establish six categories of Best Management Practices (BMP's) that must be implemented by all permittees. The six BMP categories, also called "minimum control measures" are as follows:

- Public Education and Outreach
- Public Participation and Involvement
- Illicit Discharge Detection and Elimination
- Construction Site Runoff Control
- Post-Construction Stormwater Management in New Development and Redevelopment
- Pollution Prevention and Good Housekeeping for Municipal Operations and Maintenance

Each municipality subject to the regulation must implement a stormwater management program that supports these elements. Currently, the City is in substantial compliance with the BMP requirements of this program.

To put these new requirements in context, EPA has promulgated two phases of stormwater permit regulations in the past 10 years. Phase 1 covers large and medium municipalities (as well as industrial activities, including construction over five acres). This was implemented in Pennsylvania beginning in 1992. Phase II of the federal storm water regulations expanded in 2003 to cover smaller, urbanized areas including the City of Easton.

If a permittee commits to implementing the provisions of the Protocol for any Minimum Control Measure, it does not need an independent review and approval of its stormwater management program by DEP for that Minimum Control Measure.

The City of Easton invites the public to comment on the stormwater ordinances which are available under the "City Government" listing on the home page of this website.

Illicit Detention Program

On a semi-annual basis during periods of dry weather, the City of Easton inspects all of its stormwater outfalls that discharge directly to local streams. If any active flow is observed a sample is taken and tested. The purpose is to determine if there are any illicit discharges to the storm sewer system. If any one has seen or has knowledge of someone dumping any illicit materials into a storm sewer or a sanitary sewer, please notify the Public Works Department at 610-250-6680 or call the non-emergency police phone number 610-759-2200, for an action in progress.



MEMORANDUM MAYOR SALVATORE J. PANTO, JR.

TO:

Members of City Council

CC:

Staff and News Media

FROM: Sal Panto, Jr., Mayor

DATE: February 13, 2013

RE:

Easton Intermodal Transportation Center Presentation for the Re-location of City Hall

As you are aware, the Administration has been exploring the re-location of Easton City Hall to the new building being proposed for South Third Street. Several factors led us to this decision, with the most important reason being financial savings that can be attained.

First let me state that I fully supported the decision to move City Hall from 650 Ferry Street to center city, especially the Alpha Building in 1996. All government offices should be located in the urban centers of core communities. The Alpha Building was the largest vacant property and located right on the square. It was the right decision at the right time. My previous administration recommended the move in 1991 and it was ultimately decided by the Goldsmith administration to make the move.

Today Easton is a different city with new businesses, restaurants and attractions filling our streets with visitors from far and wide. Investors continue to look to Easton as an excellent place to invest, particularly in our older historic buildings.

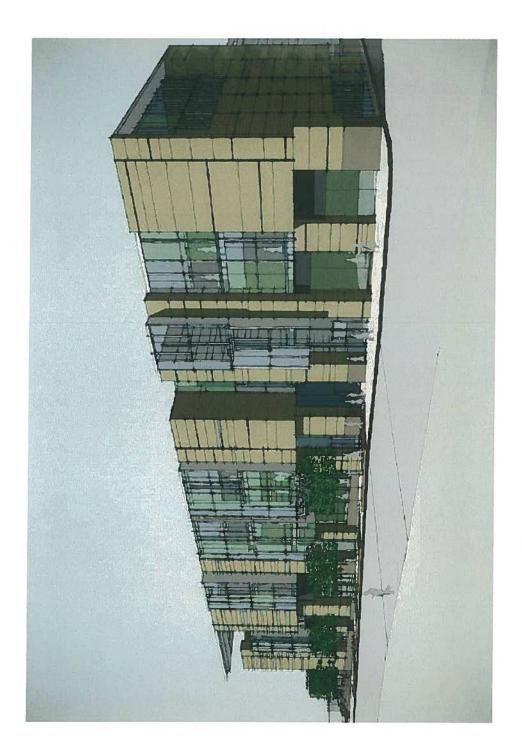
As I stated, there are many reasons to recommend this move and the Administrative staff has completed a rigid due diligence process to make sure that our recommendation was not only financially souind but also provided for ancillary benefits as well.

Another major factor for this recommendation is the fact that whether the city or a private developer owns the building the city's bond indebtedness is still approximately \$10MM. It makes little sense to incur the debt and not own the asset.

Easton Intermodal Transportation Center 2/13/2013

EXPENSES					
	Land	\$	3,058,269.00		
	Soft Costs Construction	\$ \$	1,163,757.00 21,661,482.00		
	Construction	Φ	21,001,402.00	\$	25,883,508.00
	(Note: without the built-in Contingency				
REVENUE	th total is \$25,153,508.00)				
Grant Funds					
	RACP Grant	\$	4,700,000.00		
	FTA Grant/LANTA	\$	7,200,000.00		
	Sale of Alpha Building		TBD		
	Total Equity			\$	11,900,000.00
	(plus sale proceeds)				
Bond Proceeds without the sale of the Alpha Building			\$	13,983,508.00	
	(Note: \$25,153,508 without contingned of \$730,000.00)	/		\$	25,883,508.00
	01 47 30,000.00)				
Appraisal of the Alpha Building is underway					*
Projected Annual Debt Service		\$	(570,000.00)	first payment 03/2015	
	Source of Funds				
	McDonald's last payment in 2014	\$	100,000.00		
	Net Rental Income	\$ \$ \$	180,000.00		
	Parking Garage Revenue	\$	120,000.00		
	Operational cost savings versus Alpha				
	Electricity	\$	48,000.00		
	Gas	\$ \$ \$ \$	6,500.00		
	Water	\$	1,900.00		
	Sewer	\$	2,700.00		
	Maintenance	\$	80,000.00		
	Real Estate Taxes	\$	63,000.00		
Positive Cash Flow to the General Fund				\$	32,100.00



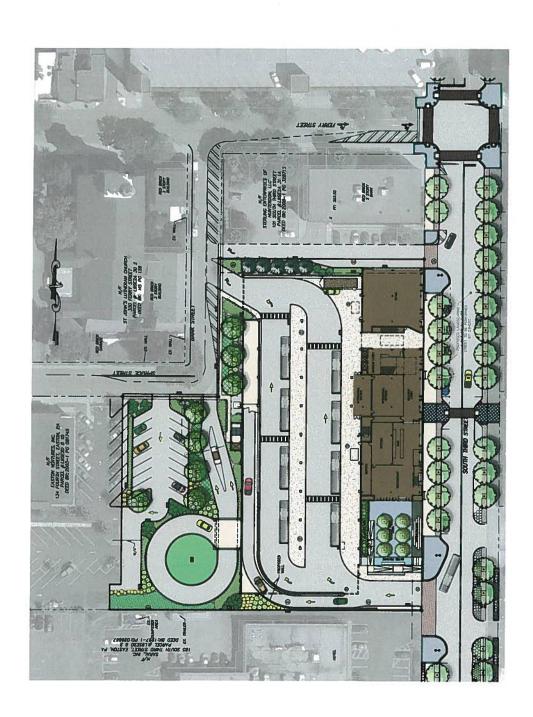


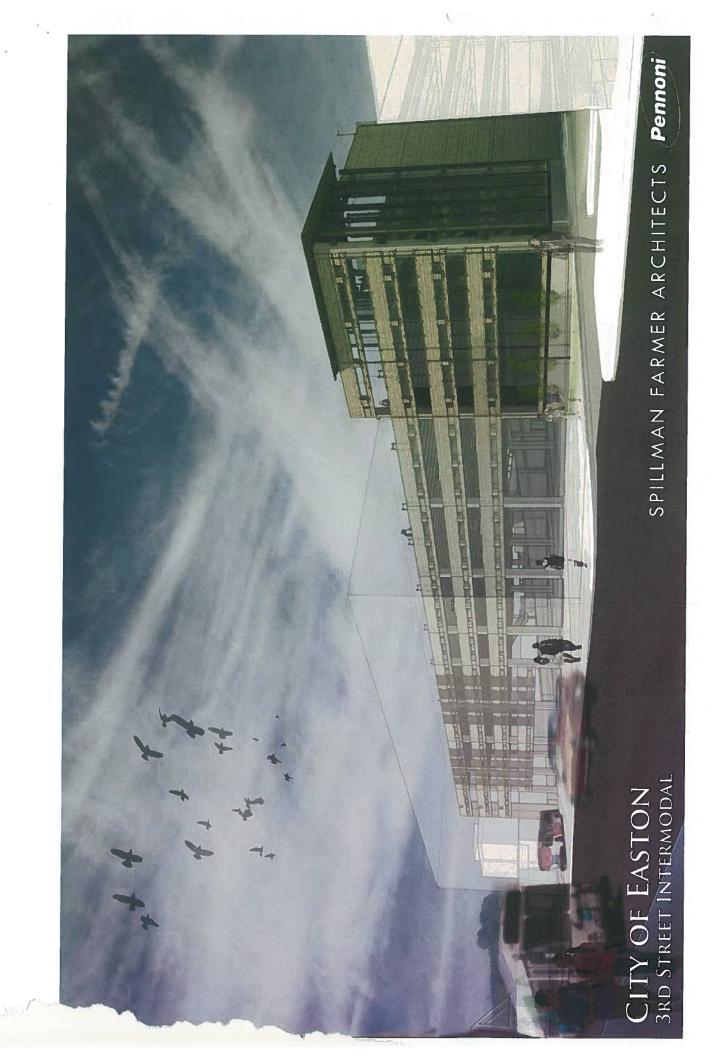
LANTA - Third Street Intermodal Easton, Pennsylvania

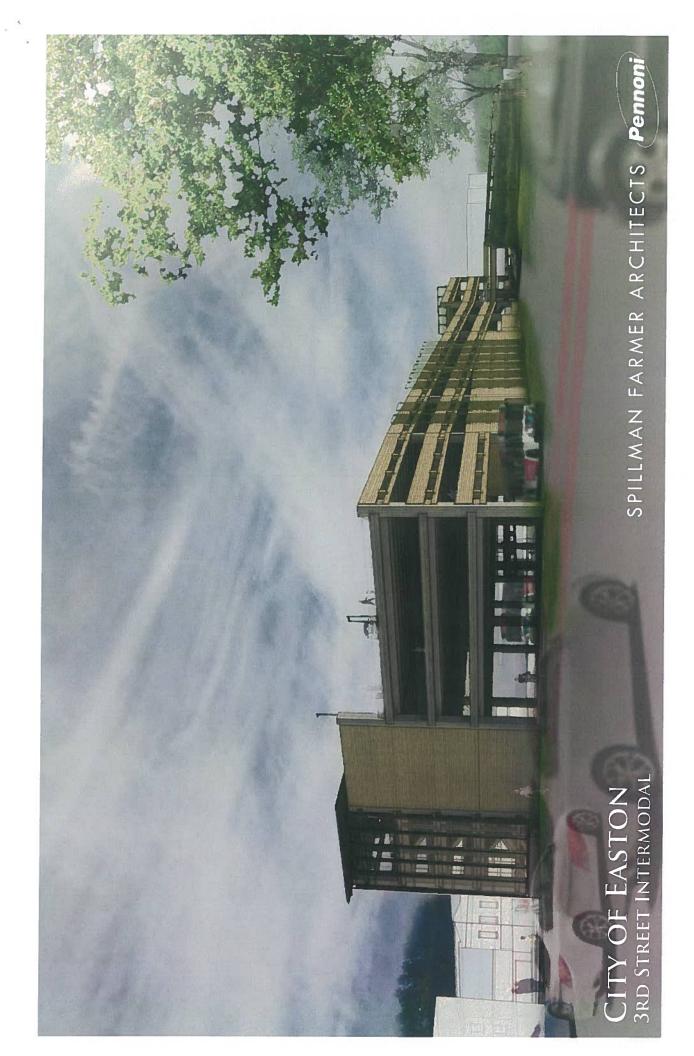
SPILLMAN FARMER

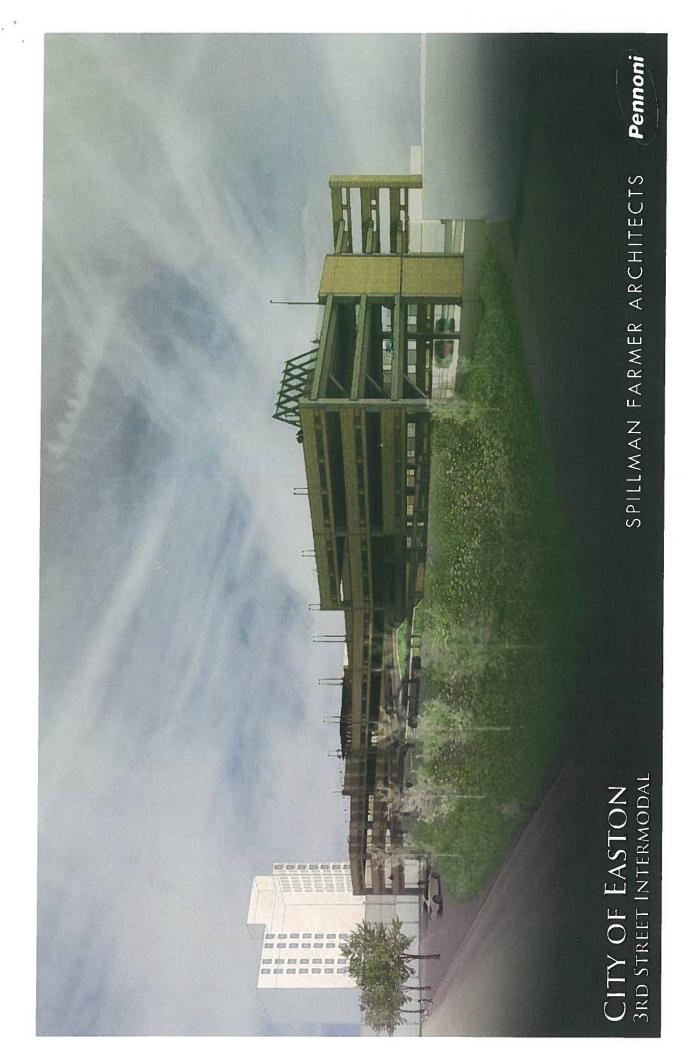












CITY COUNCIL AGENDA

Stated Session Wednesday February 13, 2013 6:00 P.M.

- 1. CALL TO ORDER
- 2. INVOCATION
- 3. PLEDGE OF ALLEGIANCE
- 4. ROLL CALL
- 5. APPROVAL OF AGENDA
- 6. ACTION ON MINUTES January 23, 2013 Council meeting minutes.
- 7. RESOLUTION Death of Willard R. Stem
- 8. PRESENTATIONS Centre Square Prints & Plaques for Peace Candle contributions.
- 9. PUBLIC ANNOUNCEMENT Municipal Separate Storm Sewer System.
- 10. PUBLIC HEARING Re-Programming of 2012 CDBG Funds
- 11. CITIZENS RIGHT TO BE HEARD (Agenda Items Only)
- 12. REPORTS RECEIVED BY COUNCIL
 - (a) Monthly Fire Report for January 2013.
 - (b) EAJSA meeting minutes for September, October and November 2012.
- 13 ACCEPTING REPORTS ON BEHALF OF COUNCIL.
- 14. REPORTS OF COMMITTEES

(a) Finance	(Kenneth Brown)			
(b) Economic Development	(Sandra Vulcano)			
(c) Planning	(Roger Ruggles)			
(d) Public Safety	(Jeffrey Warren)			
(e) Public Works	(Elinor Warner)			
(f) Administration	(Michael Fleck)			

- (g) Report of City Solicitor (Attorney William Murphy)
 (h) Report of Mayor (Salvatore J. Panto Jr.)
- 15. UNFINISHED BUSINESS
 - 1. Bill No. 3, Authorizing Mayor to select and appropriate certain plots of ground.

- 2. Bill No. 6, Amending subsections in Chapter 285, Fees, of the Code of the City of Easton Pa.
- 3. Bill No. 7, Amending Sub-Section 560-69 A (2) of Section 560-69, Violations and Penalties of Chapter 560, Vehicles and Traffic of the Code of the City of Easton.
- 4. Bill No. 8, Amending Sections 535-74 and 535-75 of Chapter 535 Taxation of the Code of the City of Easton, Pa.

16. CORRESPONDENCE

- (a) Philadelphia Metro Task Force, letter regarding funds attached to Sexual Orientation Wrongly Appropriated.
- (b) JoAnn Edwards, State Human Relations Commission, response letter to the Philadelphia Metro Task Force letter.

17. NEW BUSINESS

- (a) Introduction of Legislative Bills
 - 1. Bill No. 9, Regulating the use of Scaffolding in the City of Easton.
 - 2. Bill No. 10. Amending Section 560-54, Parking restrictions for street cleaning of the Code of the City of Easton, Pa.
 - 3. Bill No. 11, Amending the 2013 Recreation Fund Budget.
 - 4. Bill No. 12, Amending Sections in Chapter 114, Personnel, of the Code of the City of Easton, Pa.
 - 5. Bill No. 13, Approving an Office Space Lease Agreement between the City of Easton and United States Congressman Matthew Cartwright.
 - 6. Bill No. 14, Approving a Master Lease Agreement between the City of Easton and the Easton Parking Authority.
- (b) Approving destruction of Police Records.(R)
- (c) Waiving requirements for performance and maintenance guarantees for the Redevelopment Authority.(R)

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- (d) Approving the filing of an application for an Open Space Initiative grant.(R)
- (e) Approving Non-Union and Management Full Time Employee Benefits.(R)
- (f) Approving an Agreement of Sale for 37-43 N. 4th Street.(R)
- 18. CITIZENS RIGHT TO BE HEARD On any matter.
- 19. ADJOURNMENT